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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,573	12/22/2004	Kurt Blechinger	BLECHINGER ET AL-1PCT	6846
25889	7590	01/04/2007	EXAMINER	
WILLIAM COLLARD COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576			SHAW, CLIFFORD C	
			ART UNIT	PAPER NUMBER
			1725	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/04/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/518,573

Applicant(s)

BLECHINGER ET AL.

Examiner

Clifford C. Shaw

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 27-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 27-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____                                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1222, 0124</u> .  | 6) <input type="checkbox"/> Other: ____                           |

**Detailed Action**

1.) Applicant is advised that no copies of the documents labeled AL, AM, and AN in the information disclosure statements filed on 12/22/2004 and on 1/24/2005 have been received, and these documents have been marked through as "not considered" on the PTO-1449 forms attached hereto. Applicant is further advised that the AN document has been cited by examiner on the attached form PTO-892 and that U.S. equivalents to the documents AL and AM have been cited on the attached PTO-892.

2.) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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3.) Claims 27-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dodge et al. (6,795,778). Figure 8 and the discussion at columns 12-13 in Dodge et al. (6,795,778) disclose a method and apparatus with features claimed, including: detecting operating states at 810; processing the detected states at 820, 830, and 840; transmitting messages to external receivers at 860. The claims differ from the teachings of Dodge et al. (6,795,778) in calling for: a “standardized interface” to transmit the detected operating states; in calling for facsimile transmissions in claims 32 and 43; and in calling for the use of OPC in claims 34 and 45. These differences do not patentably distinguish over the prior art. In the system of Dodge et al. (6,795,778), the output of the sensors must be converted to a format useable by the data processing system. It is considered obvious that this conversion constitutes a “standardized interface” because the requirements of the data processing system must be standard to some extent (at the very least, the system would obviously be standardized around a binary format). In regard to the limitations calling for facsimile transmissions, the patent to Dodge et al. (6,795,778) teaches the use of a variety of telecommunication technologies to perform a notification function (see for example column 13, lines 55-60 in Dodge et al. (6,795,778)). Beyond those explicitly mentioned by the patent, it would have been obvious to have used any well known telecommunication approach in the system of Dodge et al. (6,795,778), the motivation being to communicate with a population of users who employ standard telecommunication technologies. In particular, it would have been obvious to have used facsimile, thereby satisfying the claims. In regard to claims 34 and 35, it would have been obvious to have used any conventional programming approach in implementing the system of

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Dodge et al. (6,795,778), including an approach that employed an OPC interface, thereby satisfying the claims.

4.) The pre-grant publications to Hillen et al.(2003/0033052), Feichtinger et al.(2004/0026392), and Clark et al. (2005/0197115) are cited to show prior art arrangements for monitoring a welding system. The patents to Niedereder et al. (6,797,921) and to Duncan et al. (6,670,810) are U.S. equivalents of documents cited by applicant. The German document no. DE10015487A1 is a document that was cited by applicant. The Derwent Data sheet is directed to a document cited by applicant.

Any inquiry concerning this communication should be directed to Clifford C Shaw at telephone number 571-272-1182. The examiner can normally be reached on Monday through Friday of the first week of the pay period and on Tuesday through Friday of the second week of the pay period.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Patrick J. Ryan, can be reached at 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Clifford C Shaw  
Primary Examiner  
Art Unit 1725

January 2, 2007